LETTER

TO

Mr. JAMES PARKINSON, M. A.

In Answer to

His Examination of Dr. SHERLOCK's BOOK.

ENTITULED,

The Case of Allegiance, &c.



LONDON:

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IF STANZE PARKINSON AM to make at H. Eximus on of the Street, Calle B

trong dozen with somere and Perol

SIR,

HE Bitterness and Contempt that appears in your Examination of Dr. Sherlock's Book, Entituled, The Case of Allegiance, &c. is what will never do you any Honour with Wise and Good Men; and therefore, though you are much inferiour to the Doctor, I shall not take the same Liberty with you, for fear I fall under the same Condemnation.

I fay then, in the first place, That King William and Queen Mary, are, by an Hereditary Right devolved to them, as Lawful and Rightful King and Queen of England, as any Monarch that ever governed

fince the Saxons came into England.

2. I fay, England is an Hereditary Monarchy, and not an Elective, nor ever was, or ought to be; and that all the Kings of England have in all Times pretended a Right to the Crown of England, by an Hereditary Descent, when there was any the least colour for it.

3. The Distinction of a King de fure, and a King de Facto, lies in the Modus Acquirendi, and in nothing else: For if a King of England is the Next Person in the Line, or Royal Family, he is King de Jure: If he is not, but another has a nearer Right, as being nearer to the last King de Jure, then he is a King de Facto: But if he is Established in the Throne, and owned by the Three Estates, all his Acts are valid, and the same Allegiance is due to him by the Laws of England, and the Laws of God, as if he were King de Jure.

4. An Usurper is one who gives the Sovereign Power in any Kingdom, by other ways than it hath and ought to descend by the Laws of that Kingdom. And consequently, all the Kings of England that were Kings of England de Facto, and not de Jure, were

Ulurpers.

5. That every King of England, who had no other Title than that of an Election, however made, was, and has ever been esteemed in

all the World as an Usurper.

6. That notwithstanding this their Acts of State, are, and have ever been esteemed as Valid and Good as those of the Kings de fure, and

the same Allegiance has and ought in all Times to be paid to them, as

to the most lawfully succeeding Princes.

What you fay, Page the 18th, That Augustus had indeed violently usurped; (but) it became a Legal (Power) when it was submitted to, and confirmed both by the Senate and People; and is an Answer to your whole Book; for it was a Legal, but an Usurped Power; for he had no Right to change the Commonwealth of Rome into a Monarchy; but by the Laws of that Countrey it ought to have continued a Commonwealth to the End of Time.

Angustins was not only an Usurper, but he was a Rebel also; for he was a Subject to the Senate and People of Rome, when he began the War, and acted as their General; but at last by Force, Fraud, Vio-

lence, and Bloodshed, he made himself their Master.

Nor is any kind of Submiffion enough to conflitute a Man, that has no legal Antecedent Right, a Governour of another; but it must be a Free and Voluntary Confent, which this of the People of Rome was not, but was extorted by Force, after the Senate and People had made all the Resistance they could possible, and had been beaten as often as they endeavoured to preserve, or recover their former Li-

berry.

As theirs was a Free State, so ours is an Hereditary Monarchy, fixed, and descending in a Royal Family, in which the Next Person to the late King de Jure, is the only Lawful, Rightful Successor; and if he is Heir apparent, has a Mark of Distinction set upon him, by the 25th of Ed. 3. c. 2. So that it is Treason to Conspire his Death, though not Executed; but it is not so as to the Second Son, a Brother, or a Daughter, because their Right is but Presumptive, and therefore their Persons are less Sacred. Now all this is Nonsence, if the Kingdom of England were Elective; for the Eldest Son has no more Right than the Youngest in an Elective Kingdom, nor is he reputed Sacred will he is Elected.

No Nation can pass regularly from one form to another, but when it is perfectly free. I was born under an Hereditary Monarchy, and I must continue under it as long as there is one Person of the Royal Family to claim my Allegiance: But if they were all Extinct, I might then consent to an Elective Monarchy, or a Commonwealth, or what

Form I thought fit, without any fin.

Yet in the mean time, if I am truly forced by a Foreigner, or a prevailing Subject, that rebels; when I have done all that is possible, to preserve the Right of my Lawful Sovereign, and it is over-ruled by the Providence of God, I may then, nay, I ought to submit to this prosperous

sperous Usurper: and when the whole Body of a Nation has so submitted, he becomes a Lawful Prince, as to the Power; but is an Usurper for all that, as to the Way of Acquiring of it; and he that thus Usurps, and they that affisted him, may justly be damned in the next

World, but I that was forced shall certainly be acquired.

The Empire of Germany, and the Kingdom of Poland are Elective. Now, if the present Emperor had ascended the Throne without any Election, and claimed it as his Hereditary Right, he would have been an Usurper: and if James, Son of the present King of Poland, should, after his Father's Death, invade the Throne, as Heir to his Father, without any Election, he would be an Usurper, because he did not Legally acquire it, according to the Constitution of that Kingdom. Now if the Senate, or Seven Electors, should afterwards submit to such an Usurper, then the one would become Emperor, and the other King de facto, though the Consent were forced; but not de jure, according to our Notion: But if they never consented, but opposed him to the End of his Days, he would be a pure Usurper, and never gain so much as the Title of a Prince de facto, according to our Notion.

Any Government may be lawfully changed from the Form it has, to another, with the Consent of all the Parties concerned: A Monarchy may become a Commonwealth, a Commonwealth may become a Monarchy; an Elective Kingdom may become Hereditary, and a limited Monarchy may become abfolute, and vice versa, if the King and the States freely consent, without any sin, became God has left it free to us; But the People cannot force the King, nor the King the People, without sin, to change the Form: But if de satto it is changed and established, the Event shews, that it was the Will of God it should

be fo, and all Parties must acquies and submit to it.

Now in an Hereditary Kingdom, as ours is, if One is chosen by the Voice of the People, for the great Esteem they have of his Justice and Valour, and other Noble Qualities that fit him for the Exercise of Sovereign Power, as you word it, pag. 14. If there is another Person, who has an Hereditary Right, put by, without Cause, I say, the People that chose are Perjared, and the Prince that was chosen is an Usurper by our Constitution. But then I say, it is Impudence to say, King William and Queen Mary, or either of them were so chosen. There is not one tittle in either of the Acts of Parliament concerning chusing them, or either of them; but their Right is Recognized, Acknowledged, and Declared; every of which Words do, in Construction of Law, imply they had a Right before, which must be an Hereditary Right. And I deste all the Presenders to Election, to shew one Elected Prince since the Crea-

tion

tion of the World, who had no Hereditary Right thus Declared. The Form then is, We Elect, Constitute and Nominate, or Words of that force. And all the Question here between you and the Doctor, being about the manner of acquiring, if King William and Queen Mary were Elected, then are they King and Queen de facto, and not de jure. On the other fide, if they are conjoyntly taken the next Heir to the Crown of England, by Hereditary Succession, then are they King and Queen de jure, and de facto too; not as de facto signifies a Prince without a legal precedent Title, but as it signifies a Prince Regnant, and vested with Royal Authority by the Consent of the States, by the Approbation of the far greatest part of the People over whom they Reign; and by the allowance of almost all the Foreign Princes and States about us, who in this Case are to be considered as more Impartial Judges than we are, and better qualified to judge; and whose Interest it is not to countenance Usurpation and Rebellion, for the sake of the ill Effect it may have hereafter upon themselves.

Now what is made the Pretence of all this Squabble about an Election? Why, the Williamites have no cause to allow it, but only because the Exercise of the Sovereign Authority is vested in the King, during his Life, by Act of Parliament, and the Queen being the immediate Right Heir, and she dying without Issue, the Princess Ann; both these, say they, are set by, and the King is a King de faste, and Elected. Now I deny all this, he has a better Title yet; for both the Queen and the Princess Ann Consented in the States of England, that it should be so, before he was thus declared; and the Queen, both at her Accepting the Crown, and at her Coronation, and since, has always declared she is contented with it; and therefore there is no wrong done to them, or either of them; nor is any Man forsworn who has taken the New Oath of Allegiance, because no Lawful Successor of James the Second is

wronged. Volenti non fit injuria.

The Jacobites, on the other side, pretend the late King James is the Lawful King of England still, and will be so as long as he lives; for be could not forfeit, or lose, or abdicate, or desert his Right, or be beaten out of it, so but that he may recover it again when he will or can; and therefore say they that will not swear, They are Usurpers, those that do swear, that they are King and Queen de facto; and these latter mean, that they are not, during the Life of the late King James, King and Queen de sute. Now here comes a grave Gentleman, and tells them they were Elected, and gives us a List of a great many Princes since the Conquest that had no better Title than that he has minted for them. Now this will never edific with them, but it disobliges all the Loyal Church of

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England Party in the whole Nation, who are the firm fast Friends to the old Hereditary Monarchy of England; and as they are sworn to defend that and no other, so will the never suffer the Crown of England to be made or declared Elective, till they are forced to it

by an irrefistable necessity.

Now the bottom of all this neither is or can be any thing but a design to take down the Monarchy by degrees; they would have this King and Queen Elected, that it may be a President for them hereafter to set by the whole Royal Family, and elect a King of another House, the worse the better; and then down with him, and up with a Commonwealth, which will be very hard as long as the Hereditary Right of the Royal Family is acknowledged, because the they may murder or pull down one (as they think) another will rise up and claim it as his Right, and many will join with the Claiment on that account against our Sovereign Lords the People,

who would fain be our Masters.

But however our Author is of Opinion That he is an Usurper who has no Legal Right, but he is not our King : He is a private Man intruding bim (elf into a publick Office which he is not called to; and no Allegiance is due to him. P. 16. So that if he has no right to the Throne he posfesseth by the Laws of the Country in which he reigns (which must be an Antecedent Right, for of that the Dispute is) then however fettled, he is a private Man, an Intruder, and no Allegiance is due to God may destroy or take away the Legal Title of the most Lawful Prince; but then he must make a publick Declaration of his Will so to have it: for by the Events of his Providence I can know nothing of his Will: A Prince that has no other Title to his Crown than that of the Will of God, discovered by the Event, is but a profperous Pyrat, an Oppressor, a Thief. Thus the Man raves, and at last is so mad as to make Philip the second King of Spain. an Usurper fettled; and yet to own that be had once a Legal Right to govern the Dutch, and they owed him Allegiance.

Now if all this is true, then St. Pauls Doctrine is not, That the Powers that are, are ordained of God, Rom. 13. Nor that of Daniel neither, that he rules in the Kingdom of Men, and giveth it to whomfoever he will, and setteth up over it the basest of Men, Dan. 4. with many more to the same purpose in the Sacred Scriptures; or it matters not one Farthing whether it is true or falle, for it obliges no Man to acquies or submit to this Providence of God: but if they have no Antecedent Right to this Gift of God; or if they afterwards transgress the bounds of their Rights, they are all Usurpers, and their People

Prople owe them no Allegiance, no Passive Obedience at the least, but may resist them very safely. And Mr. Mob may make use of his Sovereign Force against their Sovereign Authority, as he proves Page

the 3orb.

Now I am certain the Primitive Christians never argued thus. And our Saviour and his Apostles were of another mind. When our Saviour resolved the Case about the Tribute Money, Tiberins was in the Throne, and he was an Usurper with a vengeance. Augustus usurped upon the Liberties of the People of Rome, without any Commission from God publickly declared; And Tiberim Casar usurped on the House of Augustus, for he had a nearer Kinsman; and all the Roman Authority in Judea was Usurpation: for by their Laws no Man could be their Prince who was not of their Nation. Now if the Jews had replied with him, he is an Usurper who has no Legal Right, but he is not our King; For the minting Money shewed indeed that he was in Possession of the Royal Power; but it shewed not how he came by it; for an Usurper may mint Money as well as a Lawful Prince that succeeds by an unquestion'd Title.

When St. Paul wrote his Epiftle to the Romans, Nero was in the Throne, and he usurped too upon Britannicus the Son of Claudius, his Predecessor, and murdered both the Father and the Son; and both these Princes were as wicked Tyrants as ever reigned in the World: Yet our Saviour owneth the Power of Pilate, who was but the Deputy of Tiberius, to be given him from above, John 19. It. and severely reprehended St. Peter for resisting it, when most unjustly imployed: and St. Paul owns that there are no Powers but of God; and then subjoins that the Powers that he are ordained or ordered by God; that is, that Nero, as much an Usurper and as wicked a Man as he was, had that Power from God which he then had, and that not by

the Permission only, but by the appointment of God.

The Romas Empire was all along Elective, after; this for Nero was the last of the House of Augustus, and every Prince that was elected ought to have reigned as long as he lived, and after his death another ought to have been chosen; but the Army pulled down one and set up another as often as they thought sit; and there was a vast number of Traytors, and Tyrants, and Usurpers, and Perfecutors one after another, till the Western Empire was at last sinally destroyed by the Barbarous Nations that broke in upon it on all sides. There was very sew of these Emperors that reigned before Constantine the Great that were not Usurpers, Murderers of their Predecessors, Tyrants and Persecutors of the Church of God,

and some of them were as bad Men as was possible, and the Christians of those times had no other direction to know that they were the Ministers of God, and the Powers that were ordained of God, but by the Event, yet they always afferted, that the Imperial Power was given by God, and by him only. This Tertulian averreth, Illius enim est ipse cuius & Cœlum est & omnis Creatura, inde est Imperator. unde & Homo Antequam Imperator, inde Potestas illi, unde & Soiritus. The Emperor is from the same God, the Man is, and all the Creatures, he was made an Emperor by the same God that made him a Man, before be became Emperor; He has bis (Royal) Power from the Same God be had his Spirit. Apol. I. C. 39. St. Augustin in the Fifth Book, De civitate Dei, c. 21. Non Tribuamus dandi Regni, atque imperii Potestatem nisi Deo vero, qui dat sœlicitatem in Regno cœlorum solis piis: regnum vero terrenum & piis & impiis, &c. Let us not Atribute the disposal of Kingdoms to any but the True God : He that will give the Kingdom of Heaven only to the Good, gives the Kingdoms of the Earth. both to the Good and to the Wicked. This was no Enthusiaftick Doctrine then, nor some hundreds of Years after this.

This Doctrine supposeth, for its Foundation, that the Providence of God takes such particular care of the Thrones and Persons of Princes, that it is no more possible for any Man to usure the Royal Power, if it is not given him by God, than it is to invade Heaven; to make a Prince without God's afsistance, than it is to make a Man. They were not scandalized as we are in this Atheistical Age, by the ill things they saw done upon the Earth by wicked Men, but could dissinguish between the Act of God which was always Just and Good; and the actions of Men who do his business whilst they least inend it.

They had no fuch loofe Notions of Usurpers and Usurpations as we have now; they did not think private Men were robbed, murdered, or injured, as wicked Men pleased, and God regarded it not; but they knew very well that there was a vast difference between the care God took of private Men, and that he bestowed on Princes; The Hairs of our Heads are said to be numbred, and so taken care of,

but not equally with our Eyes and our Lives.

The condition of Princes were extremely miserable, if they were abandoned by God to the rage of the Rabble, the frauds of Conspirators and Traitors, the violence of their ambitious Neighbours abroad, and of restless Potent Rebels at home. But after all this lodgeth their Sasety and Security in the Hands of God, who only sets them up as his Ministers, and only can pull them down when he thinks sit.

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This is the greatest Awe that can possibly be imagined upon the Mind of their Subjects, to keep them in a dutiful subjection to them; Who, that believes it, dares rebel against his Prince whom he is sure God has set up, for a Man whom he knows not whether God will suffer to prevail or no? And yet, if he should prevail, God may severely punish him for resisting his former Prince. And if he miscarry, his injured Prince may execute a Vengeance on him in this World, too, so that he can have no security neither here nor hereafter when

he begins.

So that this Doctrine is fo far from encouraging Usingers of any fort, that if it were truly believed, there could be no such thing. During all the times the Doctrine of Passive Obedience flourished in the Christian Church, there was not to be found in many Ages a Christian that became a Rebel, or a Traitor, tho' they suffered the horredest Persecutions that could possibly be invented by the cruellest of Men; so that this use to be the grand objection against it, that it made Men servily betray the Liberties of their Country into the Hands of ill Men, and now it is charged with the direct contrary effect, that it justifies and encourageth Usurpers, Rebels, and Traitors, because if they are once settled in the Royal Power, they will be the Ministers of God in the same fort their Predecessors were.

The Doctor doth no where fay, or fo much as infinuate, that their present Majesties are Usurpers, or King and Queen de facto, and not de jure. Tho', faith he, it is necessary to reason upon the supposition of an just Usurpations and illegal Revolutions of State, because this is the shortest way to bring the matter to an iffae, to put the Cafe at the worft that can be supposed. It may be (faith he) that I may meet with some such Readers as may charge me for so doing with reflecting upon the present Government, which I am fure I am far from intending to do. This fo intirely fatiffied me, that I took it for an Hypothetick Argument upon the Principles of the Non (wearers, and if I were to argue with them, I must and would argue upon the same Hypothesis, because then I have only one thing to prove, viz. That they are bound to fubmit, and that the Church of God has in all Ages submitted to those Princes that have been fet over it by the Providence of God, what ever their Antecedent Titles were: But the other way I must prove first, That the late King James his Right is determined. Secondly, That Their now Majesties have a good and clear Title to the Crown. And then, in the Third place infer, That therefore they ought to submit to them. The other two Questions may be disputed by troublesome Men

Men as long as they please; and, tho' I do not at all question but they are both of them very true and certain, yet they cannot be demonstrated like a Mathematick Proposition, but require a Man well versed in Law and History to understand or prove them, but no Man can question whether the King and Queen are Posses'd of the Throne of England, no Man can think that the late King is now the Minister of God to us for Good or Hurt; and as for the Sword, it is either wrested out of his Hand, or thrown away voluntarily, for it is certainly in the Custody of King William and Queen Mary, and not in his; fo that the inference naturally is, That they ought to do what other holy Men that lived in former times have ever done in the like circumstances; and the Doctor has from the Convocation-Book shewn them the reason why, which is the very fame reason the Apostle gives in the 13th Chapter to the Romans, Yet, after all, I am not offended with the Non-Swearers for Arguing against it from the Topicks of Usurpation, and the uncertainty of judging of things by the Event, because they are supposed to be ftrongly prejudiced on the other fide, and fo can hardly evercome their own pre-possessions. But for the Williamites, who are satisffied in both these Questions, to write against this Doctor with fo much venome and spite, only because he has endeavoured to farisfie those that still stand out against the present Government, and that in fo great numbers too; this I could never have thought, this I never should have expected, and I think it is not the Interest of the Government to suffer it; and I assure you, Sir, I do admire your Confidence in fetting your Name to your Book, when the most of the other Writers, who are at least your equals, concealed theirs with much more Prudence and Modesty.

I hope, however, you have Ingenuity enough left you to Forgive

the necessary Freedom of,

Feb. 21.

SIR.

Your very bumble Servant.

A Second LETTER to Mr. JAMES PARKINSON, on the Same Subject. M. s sall bestellhomen

no Man can oueffion whether N my former Letter I have flated the Case depending between us as plainly as I can in the general, and now I am in this to Examine some of the Principal Passages in your Book, which I could not then so conveniently take notice of, because I defign to be very fhort; and there are others of the fame. Tribe with you, to whom I owe my Service, when I have done with your Book.

I pass by Four of your first Paragraphs, not because I cannot object any thing against them, but because they are so disingenuous that they deferve no Answer; but as to your Fourth, I pray, Sir, how do you know the Doctor's Judgment fill fandeth awry? Has he told you be swears Allegiance to Their Majesties no otherwise than be would be ready to (wear to any Usurper, when settled in the I brone ? You say, above. you had rather believe than censure or judge him, and yet here you do plainly and apparently flander him. I read his Book as well as you.

and I faw no fuch thing in it.

You would fain know, Page 5. What other Foundation of Allegiance there can be than the Legal Right of Princes to their Thrones? Do you understand what is meant by Legal Right here? It is a Legal Title Antecedent to their Reigning according to the Constitution of the Kingdom. You own Queen Mary and Queen Elizabeth had not each of them fuch a Legal Right to the Throne, Page 9. and yet you fay they had as truly a Legal Right to the Crown as any of the rest of the Kings of England; that is, they had as true a Legal Right, tho' they had no Legal Title; fo that the Legal Title of Princes is not the Foundation of our Allegiance, by your own Confession. Well, what is the Foundation? Why Allegiance is Obedience according to Law. That is, Law is to direct our Obedience, but then that Law is the Rule and Measure of our Allegiance; But what is this to the Foundation? Does a Carpenter lay the Foundation of an House upon his Rule, or by his Rule?

Page 6. You say the Doctor, as far as in him lay, has taken away the Legal Right from Their Majesties. Well, what then, Sir, you are able to create them a new, tho' not a Legal Right or Title; The Legal Right to the Crown of England is an Hereditary Right, but Election may do as well, and that would have fitted the Duke of Monmouth, if he had prevailed, as well and much more truly and decently than it fits Their Majesties, who, blessed be God, have no need of it; but this,

Sir, is nothing but the former Slander re-inforced.

Pag. 6. If King William hav not a Legal Right to the Crown, Dr. William Sherlock can have no Legal Right to the Mastership of the Temple. Very Good: If the King has not a good Title to his Crown, all his Acts are null and void: Then a King de facto has no Right to dispose of any thing, an Usurper is a meer Nullity, and all his Acts of State are void. You may be a Master of Art, for ought I know, but I will

iwear, if need require, you are not Master of much Law.

The Doctor faith, it is not needful to defend the legal Right (or Title) of King William and Queen Mary, p. 7. Where doth he fay it? But if he has, have not you faid as much as this amounts to, W. 1. W. 2. H. 1. Stephen. H. 2. K. J. H. 3. E. 3. H. 4, 5, 6, 7. Q. M. and Q. E. had as truly a legal Right to the Crown as any of the rest, whom I make no mention of: And the true Reason why I mention these, is this, because it is certain none of these overe Kings by any Divine Right of Succession: That is, they were Kings and Queens de facto, and not de jure; fome of them were notorious Usurpers, and so owned and declared ever fince their Reigns ended; others were Conquerors, but they had every one of them as Legal a Right as any of the rest, though not the Divine Right of Succession. That is a strict Hereditary Right which only can make a King or Queen de jure. Now I pray, Sir, has our King and Queen now reigning this Divine Right of Succession, as you profanely and contemptuously call it, or have they not? Is it necessary to defend their Hereditary Succession, or to affert it, or not? You feem to fay, That be the Title what it will, it fignifies nothing, and fo are plainly of the Doctor's Mind, That it is not needful to defend their Majesties Hereditary Title to the Crown; and yet if they have not an Hereditary Title, I know not of any Legal Title they can have, except that of Conquest.

I have all this while waited upon you as an Opponent to the Doctor. And now I am patiently to examine your own Opinion in this

Point. You fav.

1. Allegiance is Obedience, according to Law: That is, Law is tordirectius both to the Object of our Allegiance, and to regulate both the Mode

and Measures of it. This is true.

2. No Man can have a Right to my Obedience, who is not my Lawful King. This Second Proposition is false, or impersect: If you mean, no Man can become a King of a Countrey, to which he had not a lawful Title, it is false. If you mean, he may have a Right to my Allegiance, without any Antecedent Right to the Crown (as Right signifies Title), then he may acquire what he was not born to, and then it is impersect and ill expressed.

3. King William and Queen Mary are Lawful and Rightful King and Queen of England, &c. Agreed: But by what Title? By the Divine

Right of Succession? No, say you, If Proximity of Blood be absolutely necessary to a Legal Title, then Edward the Confessor had nove, Scc. What then? Queen Many has this Proximity of Blood, and King William is her Husband, and both the and the Princess Ann have given up their Rights to him during his Life, and the next Proximity is his own of course. So that they have between them plainly the Divine Right of Succession, and they are conjoyntly taken one Soveraign, and not se-

parately.

The Scotch Parliament called the Distinction of a King de jure, and a King de facto, a Villanous Distinction; and I think it is not well founded: for it feems to be grounded on a falfe Principle, That Proximity of Blood gives such an indefeasible Title to the Crown, that be who is next in the Royal Line, whatever his Natural or Moral Incapacities are, cannot be barr'd from succeeding to the Throne, page 10. I need not question your great Affection to the Scotch Parliament; for they, like you, are for Electing Kings, though the Constitution of Scotland is as much for Hereditary Succession as that of England; but that is more agreeable to the Prefbyterian Principles of Church Government, for the fake of which they have cast out the Right of Patronage, as well as Episcopacy, that the Presbytery may rule over all without controll; but by what Authority they pass a Judgment on our Law Distinctions, or you joyn with them in it, I know not. The Diffinction is grounded upon this, That the only indisputable Title to the Crown of England, is founded upon Proximity of Blood, or that the Crown of England is strictly Hereditary, when it regularly descends: But then a King de facto is a lawful King too in some Sense; for all his lawful Acts are as good as those of a King de jure, and his Subjects may as lawfully fight for him as for a King de jure; and whilst he is in the Throne, all his Subjeds owe him the same Allegiance, and he them the same Protection that a King de jure doth. But there is a Flaw in his Title, which lays him open to after Troubles, and may make him liable to inconvenioncies: to that he has not the tame Security with a King de jure. till it is fodered. And the Reafon why Allegiance is allowed to be due to him, is for the preservation of the Publick, and to keep Men from too anxiously enquiring into the Titles of their Princes, by fecuring them, whatever their Titles are.

Natural Incapacities may be fuch, as may render a lawful Heir in the most indefeasible Hereditary Successions, incapable: A Mad Man, or a Natural Fool, can never be supposed capable of Governing a Kingdom, and so must be set by, whatever their Right is: But what the Moral Incapacities are, or who shall judge of them, I know not, nor you neither. But it makes a fine Noise, and gives a good Scope, and

large Foundation to superstruct Rebellion and Treason on, and to out any the most Lawful Heir that will not be Elected when he has a ber-

ter Title.

The beloved Statute of the 13th of Eliz. c. 1. has been sufficiently debated when the Bill of Exclusion was on foot, which if it had passed, would have Excluded our now Soveraigns, as well as the late King. And then we might have had a King de facto, that had not had any other Title than an Election, which was wonderfully laboured by these Williamites that are now so zealous to have England an Elective Kingdom, seeing for the present there is small hopes of making it a Commonwealth.

So that a King de facto is not an Usurper, but he is a lawful King, &c. Yes, Sir, he is an Usurper in the manner of acquiring the Crown, and yet so far a lawful King, whilst he possess it, that Allegiance is due to him by the Statute of the 11th of H.7. and before that by the Common Law of England, as that Statute plainly tells you. But this does not sound well. I cannot help that. Thus I have examined your Opinion as freely as you did the Doctor's, and given you my Opinion of it.

The Doctor's Notion is this, That all Soveraign Princes who are settled in their Thrones, are placed there by God, and invested with his Authority; and therefore must be obeyed by their Subjects, as the Ministers of God, without enquiring into their Legal Right and Title to the Throne. The Convocation then has determined Two Great Points: First, That those Princes who have no Legal [Title] Right to their Thrones, may yet have God's Authority. 2: That when they are throughly settled in their Thrones, they must be reverenced and obeyed by all that live within their Territories, &c. p. 10. The Doctor's Reasons are these, 1. That all Civil Power and Authority.

is from God. This he allows, as in some sinfe true, and then banters it.

2. Civil Power and Authority (says the Doctor) is no otherwise from God than as God gives this Power and Authority to particular persons. This he banters too, because he is stronger than we, therefore we can snatch nothing from him. But then he might have lest it, if he had pleased, to the strongest Arm, and the Longest Sword; and then, though I can snatch nothing from him, my Author here might have been too hard for the Doctor, and have got the Temple-Pulpir. But when God gives, he maintains his own Gift; and not only gives the Right, but takes care to assure the Possession as long as he thinks sit.

The Dr. assigns Three Ways by which God gives Authority, 1. by Nature: 2. by Particular Nomination: 3. by the Disposals of his Proving dence. The Two first our Author allows, but to the latter he has some Objections, because he doth not understand the manner; He will never ascribe to God any thing that is unworthy of him: That is well said. He

does not by any secret Instance move Men to a Violation of his Laws. And we must not, because Men prosper, infer, that God is pleased with their doings. No, by no means; but we may infer, That it is his Will they should Reign, if he gives them the possession of a Throne; for he has reserved that in his own hands, and assured us, That he will give it to whomsoever he please, and sometimes to the basest of Men; which is no Argument, That he is pleased with had Men, or had Actions; but it is an assurance to us, when it happens that it is God's doing. He lifteth up the beggar from the daughill, to set them amongs Princes, and makes them inherit the Throne of Glory, I Sam. 2.8. The means such mean Persons commonly arise by, are, Hypocrisie, Rebellions, Thest, Rapines, &c. none of which are here ascribed to God; but the Exaltation, and the fixing them on a Throne of Glory is. If any but God could have done it, the Devil, or the People, who are his pretended Rivals, it had never been

ascribed to God.

But you will far, when an U furper prospers, and ascends the Throne, and is fettled in it, does not God make him a King, and invest him with his Authority? No such matter, be is still a private Man, without any Right to Kingly Government, unless an unjust Aition can create a Right, pag. 12. Now I will fay, if he afcends the Throne, and is fettled once, that he has God's Authority, and that God, and none but God could make him to inherit the Throne of Glory: and if the Devil, or the People, or their Advocate alledge, That an unjust Action can create no Right, I will affure them both, That be that as it will, he that is fettled on a Throne may be an Usurper; But he is no Private Person, because to be a King and a Private Person at the same time, is impossible. And I will aver, That God has made bim a King, because I know of no body else that can do it; and I have the Authority of Hannah, and Daniel, and St. Paul, Tertullian, and St. Augufin, and many others, to fet against the Pretences of the Devil. and the People, and the Pope, and my small Author. For you must know, Sir, Pope Hildebrand was the first Founder of the contrary Opinion, and gave the Devil, and the People Power to pull down, and to fer up Princes, as you may find in the Preface of the Jesuits Loyalty, Printed by Ben. Took. And he got to be their Vicar by the means, and came to great preferment, and fo may you, if you have good fortune.

But you cry, How do I know this? by the Event? Now I allow the Dr. That God does in some sense set up a Tyrant; but then I desire him to consider, that Satan likewise sets him up, and Wicked Men set him up, and he sets up himself. Dear Sir, the Doctor perhaps is not at leisure, but I am; and I have considered of all this many years agone, perhaps when you were conning your Accedence; and I know the Devil told our Saviour, That all the Kingdoms of the World were delivered to him, and that he

gave them to whomfoever he would, Luke 4. but I ever took him for a Lyer ill you came forth to make good his Claim; and as for the wicked Men, they may be useful instruments to the Man that is to set up himself; but if God will not consent, you know the old saying,

Hic Crucem Pracium Sceloris tulit, Hic diadema.

They may sooner list him to a Soassold, or make him ascend a pair of Gallows than the Throne of Glory. So that still I will say, God only listeth the Beggar from the Dunghill, he only Ruleth in the Kingdom of Men; and restrain it how you will, neither Satan nor wicked Men can, or ever did, or ever shall set up a Tyrant, as you call him, but it is God only that disposeth of the Kingdoms of the World; and I am sure this is no new Doctrine.

But how does God fet him up? Why God gives him those natural Powers and Faculties, both of Mind and Body, which fit him for great Undertakings; and moreover be gives him many favourable opportunities for encreasing his Wealth. and enlarging bis Power, and frenth'ning his Interest among ft his fellow Subjetts, &c. Pag. 13. True, Sir, he many times gives all these when he never intends the Man to a Throne, and so after all he is at last cumbled down, or heaved up to a Scaffold, but never is able to mount the beloved Throne; but if by this Ladder be gets up thitber, God fets up the Trrant, but gives bim no Authority. No, take heed of that : God gives him every thing elfe, but no Authority; and a little lower, Gad neven fets up Usurpers so as to give them any Authority. Why, Sir, some of these Tyrants, thefe Usurpers have fettled Royal Families that have Reigned after them, two, three, or four hundred Years. And many of the Royal Families in Christendom, and all, without exception, in the other places are derived from fuch fortunate Usurpors and Tyrants; Have they no Authority, or have they an Authority, but not from God; and when did this Authority begin? I have shewn in my first Letter that Augustus, and Tiberim, and Nero, were all fuch prosperous Usurpers, and yet they had an Authority, and that Authority was from God as our Saviour and St. Paul affures us: but I fee you are resolved it shall not be so, and I will press you no further, but leave it to the Reader to judge between you and the Doctor.

My Author grows angry now, and if the Doctor will not be so satisfied, he will undertake to prove, if this is true, That then to ascend the Temple Pulpit is to be Master of the Temple, and then the Doctor must have a care of getting unother to Preach for him. Truly I would Advise him never to suffer Mr. James Parkinson to come there is he can help it, for I perceive he has a nottable Lust to get into it, and it runs in his mind

mind more than a little; and if he, good Man, could but be Mafter of the Temple, he cares not what becomes of all the Thrones in the World, Well, but if a little dapper Fellow should usurp upon the Doctor, the grave Lawyers would make bold to examine his Title; but where is the Tribunial on Earth that is Commissioned to try the Title of Kings? God tells us, by me Kings Reign. And if the grave Judges are not fatisfied, but would fain fee God's Commission under the Seal of Heaven, before they will believe God or the Kings of the Earth; they produce the Sword of Justice, and make them feel that they are the Minsters of God. fince they will not understand it without feeing or feelling.

All Kings are equally Rightful with respect to God, faith the Doctor: this I utterly deny, faith Mr. James. For God fees that one ascends the Throne by Fraud, and Perjury, and Violence, and Oppression, and Murther; and another is freely chosen by the Voice of the People, for the great esteem they have of bis Justice and Valour, and other noble qualities that fit him for the exercise of Sovereign Power, Page 14. Doubtless God fees all that is to be feen. And now I fee what will please Mr. James; If the People freely chose Sir King as they do the Knights of the Shire, and if he has a few good qualities that fit him for the Exercise of Sovereign Power, then Mr. James

will relent, and not be over-hard hearted to fuch a Prince.

But what if it is an Hereditary Monarchy, and the People have no Right to chuse? What if another good Man has the Right, of whom yet the People and Mr. Fames has not so good an Opinion? what shall we do then? why no matter for any Divine Right of Succession. There is in the Ninth Page a List of Fifteen Princes of our own Nation, none of which were Kings that way, and yet for all that, tho' they had no Legal Title to their Crowns, they were as good Kings as any of the rest; because, as he thinks, they were all freely Elected by the People, tho' I know a great many of them were not: And if he had scribled thus in Queen Beffes Days, the last of them, he had certainly been fent to Newgate; for she would never fuffer any body to meddle with her Title, or dispute whence the had her Authority; which the ever pretended was from God, and not from Satan or the People; and that by an Hereditary Succession, and not by Election ".

Well, but if the People do chuse, from whom hath the Prince thus chosen his Authority? From the People? No fure, if our Bibles are true, whoever chuse, or however they come in Kings they are not till they

^{* 1} El. 3. Your Highness is Rightly, and Lineally, and Lawfully descended, and come of the Blood Royal of this Realm of England, orc. For which cause we your said Subjetts do recognise, acknowledge, and confess the same your said Estate, Right, Title, and Succession, as aforesaid, to be n your Highness, and the Heirs of your Body to be begotten, &c.

get God's Authority: For the Apostle tells us be is the Minister of God, and it so, he must act by his Authority; and that the People can never give him, because God never deputed it to them to bestow as they thought sit, or at least I know nothing of it, but Mr. James may, for he is their Ad-

vocate, and fo it is like has the Grant in his Cuffody.

If Men who think an Usurper is not a Rightful King, are not mistaken; it is reasonable to conclude God thinks so too, Pag. 14. There is in this Page a great deal to the same purpose, which is all meer popular Harangue. I may think a Man an Usurper, because he doth not, come in by the Door, that is according to the Constitution of the Kingdom in which he Reigns: But God, who is the Proprietor and proper Owner of the Kingdoms of the World, doth not esteem him an Usurper, because he is pleased to make him his Minister in this Kingdom; and if I knew this, I should not think him an Usurper neither, but a Lawful Prince; but not know-

ing this, I judge of the thing as it appears to me.

Page 15. I grant, faith he, If God were the only Person that placed Princes in the Throne, if he did always put the Scepter into their Hands, and by a Voice from Heaven, or an Express Nomination - then they would be all equally Rightful Kings, tho' not all equally Good ones. So he will permit God to dispose of the Kingdoms of the World, if he will do it, after his way; for with him feeing is believing; but if he will not, then they shall not pass with him, for Rightful Kings. Let God say what he please in the general, and let the Apostle tell bim there is no Power but of God: The Powers that be are ordained of God. And he will reply, Are they not placed in the Throne by Men? Is not the Hand of Man the only visible Hand? And what Answer can the Apostle make to this troublesome Man? I am per-Iwaded he will not deny but that the only visible Hand that placed Nero on the Throne then, was the Hand of violent fraudulent Men; but for all that, bis Power was from God, and from none but God; and he was God's Minister, and consequently a Rightful King, with respect to God, tho' an Vsurper, with respect to Men.

To say that all Kings are equally Rightful with respect to Men, is to say that God has no regard to the sinful means that are used to set up such Kings, P. 15. By no means, God hath an exact regard both to the Intentions and Actions of such Kings and their Assistants; and tho' he is pleased to use them as his Instruments to bring about his Righteous Judgments in the World, yet he will one day reckon with them, and punish them for all the Evil they have done. St. Augustin has answered this Objection thus, The True God that gives the Kingdom of Heaven only to the good, gives the Kingdoms of the World to the good and to the bad. Sicut ei placet cui nihil in juste placet: As he pleased, who is not pleased with any thing that is unjust. For the we may say what he has revealed to us, (that is, that the Kingdoms of the

World are disposed of by him, both to good Men and to bad) yet there is much concealed from m, and it is above our Faculties to enamine the Hearts of Men; and after a fall inquiry to judge of the defents of those Kingdoms. This we may lasely say, God never did any Man any wrong. When he gave the Kingdom of Darius to Alexander the Great, he gave what was his own: And whatever fins of Ambition, Cruelty, or Pride, Alexander might be guilty of in the taking of it; what ever Perjuries, Treafons, or Treacheries, the Subjects of Darius were guilty of when they saw

their Master going down, are not to be charged upon God.

In short, I will ever distinguish between them that are the Promoters of such Changes in the World, and those that submit to them when they are brought about by others without their concurrence. The sirst of these must be left to the judgment of God, who only is able to discover all their Aims and Actions, and to pass a righteous Judgment on them: The latter have the Commission of Heaven to submit to the Event, and may safely rely upon the Goodness of God for their Acquital, who has told us before hand, That be changet the times and seasons: be removed Kings, and be settet up Kings: He hath ever done it, and he always will do it, when and how he please; and therefore will not punish us for not opposing his Invincible Power, for not rebelling against his Heavenly Providence, no more than he did his ancient Church.

Commission at all from God to Rule his People, they have no Authority, and they can have none, unless God's Word has last its Authority, Page 15. God, it feems, has not referved to himself a Power to pull down Lawful Kings, or to set up those that had no Title, or if he has, it is not in your Bible, he has indeed forbidden all Usurpations, Murders, unjust Wars, &c. Yet I am certain some that have risen to Thrones by them without any visible Commission from God, have yet after all been commissioned by God to Rule his People; and the Authority they had acquired in the World has been acknowledged to be a Divine and Lawful

Authority.

The whole fixteenth Page is spent in the same squable, and there is nothing in it but what has been answered already, Page 17. Scripture makes no distinction, saith the Doctor, between Rightful Kings and Usurpers, but commands me to submit and pay all the Allegiance of Subjects to the present Powers. Ay, but, saith my Author, a little sense and reason will teach me to distinguish. If they be truly the Higher Powers, (then be subject;) but if not, you need not be subject to them. Why, I can very easily discern who is in the Throne, but by what Means, by what Title, and by whose means he was advanced; that is very often a great Secret. There is now a dispute whether the Right is in the late. King or their present Majesties.

and they that place the Right in the latter, are at odds, whether it is by Election, or by an Hereditary Succession. Now may knot know which are the Higher Powers to whom I ought to submit, till Lath infallibly as sured I am able to determine all these Controvernes. The Not Swearers are of Opinion, Their Majesties are not the Higher Powers, and I perceive you are well content they should for ever remain in that Opinion; and

you feem to fear nothing more than that they fould submit. Page 19. You fay, God's Authority does always Suppose a Legal Right, God giving no Authority to any one to Rule over others, who are not legally deputed to the Office. Now what legal Deputation had Julim Cefar, or Augustus, or Nere, to Usurp a Sovereign Authority over the Romans, that were a Free State. Why, the Senate and the People submitted; but that was pure force. and they were in the possession of the Power before that Submission. Now this Legal Right, if you fay any thing, is an Antecedent Right, a Right which the People can neither give nor take away. But when all is done, your Supposition is false; for God has given Authority to some Men to Rule over others, who had no Antecedent Legal Right to it, and were never deputed to that Office by the Reople, not any part of them, nor ever should have done it, if they had been able to have helped it. Thus the Chaldeans, Persians, Greeks, and Romans, Reigned over the Fews, by God's Authority and Grant, but without any Legal Right that I know of. And thus the Turks at this day Rule over the Eastern Christians, without any Legal Right or Deputation, but by the Authority of God. For all that, and those dreadful Powers are yet the only lawful Powers, and ordained of God in the Countries where they are fettled, and the same Allegiance and Obedience is due to them by their own Subjects, that was

due to the Pagan Emperors by the Primitive Christians.

In every Line I meet with your Legal Right; but you have no where told us what you mean by it, only Pag. 14. he that is freely chosen by the Voice of the People, comes in by the Door, and is no Usurper. What, is there no other Legal Right but that of an Election? Yes, God may nominate, as he did in Israel. Well, but what think you of an Hereditary Right? That is the Divine Right of Succession. What of a Right by Conquest, by the Cession of the former Possession, or of that of Primer Sess. All these are Rights, and Legal Rights too with every body else, which with you seem

to go for nothing.

Nay, so outragious are you, that you will not allow the Four General Monarchies to be of God, or endowed with his Authority, though he himself has expressly said, he set them up, and he gave them their Power, limited their Bounds, and transferred them from one Nation to another, as he thought sit. Why, for all that, they are Usurpers, and Thieves have as much Divine Right to their stolen Goods as any Usurper has to his Crown,

pag. 25. The People may give a Man a Legal Right to a Throne, but God cannot. A Man may teach a Dog to fiddle, as foon as teach you any

thing, whilst you remain in this Temper.

Pag. 18. They who have Sovereign Power without God's Authority, are as much under his restraint, as they who have it with his Authority. So here is the Mystery; God may give Soveraign Power to Usurpers, but then they have it without God's Authority. It is then the Authority of God that flicks in your Stomach, and nothing elfe. Let the Soveraign Power be what it will, if not backed with God's Authority, he can digeft it. But whereever I fee Soveraign Power, I shall conclude it is backed with God's Autho-And they that will not believe it, may in time find it to their coft. This is a direct Contradiction to the whole Christian Doctrine in this Point. For never was there any amongst them that separated Soveraign Power from God's Authority; and if there be any Sovereign Power without God's Authority, it is impossible to distinguish where it is separated. and where it is not. If the Four General Monarchies had a Soveraign Power, but without God's Authority, then none of the Christian Princes in the World have it; for they are all of them a Part of the Fourth General Monarchy, which Daniel had foretold should be divided; and they have no more of God's Authority annexed to their Soveraign Powers than the Persian, Macedonian, and Roman Emperors had. So that if they had not God's Authority, neither can these have it, which is a Consequence. I suppose, will not startle my Author much.

But whether they have God's Authority, or no, they are under his Referaint: Yes, doubtless, Almighty Power can restrain all created Powers, whatever their Authority is. But what shall keep the People in a dutiful Subjection to them, when they are taught, that a Prince has no more Au-

thority from God than a Thief or a Robber?

The annexing Soveraign Authority (it should be God's Authority) to Sovereign Power, will not binder them that have it, from going beyond their Authority, and abusing their Power, p. 29. Well, suppose it will not, nor will the separating them do it. Ill Men will abuse their Power, whether it be of God, or of Men; and Ill Men, on the other side, will rebell against it sometimes. But if it is of God, he is bound in Honour and Justice, 1. to protect his own Ministers: and, 2dly, to punish them, if they abuse his Authority. But if they are the Creatures of the People, the Ministers of the Devil, he is no way concerned in it. Such as we set up, we must be content with; and he has no Superior to whom he is accountable; not to the People; for he has Sovereign Power, and that they cannot controul. And God will concern himself for none but his own Ministers, except it be to punish both him and them that set him up. So here's the World brought to a sine pass.

If there were a good Reason, why God should never intrust Sovereign Power to a Man that is not trusted with his Authority, it would likewise serve for a Reason why he should not trust less than Sovereign Power in any Man's hands to whom he gives not some Authority, p. 29. That is, if God gives Sovereign Power, and his Authority with it, to Princes, he must give some degree of Authority to every one who has any degree of Power, and consequently be responsible for all the Mischief that Oppressors, Thieves, Murders, &c. do, by using their Natural Powers to other Ends than he gave them; for these Natural Powers are of God, but without any Authority. Why, Sir, God has given no Man any Authority to sin; and if Princes abuse the Authority he has given them, or private Men abuse the Powers he has given them, is God to be blamed for trusting them? or the Authority of the one, or the Powers of the others to be ascribed to a wrong Original, because it is abused.

In the 30th Page he undertakes to prove, That Sovereign Power is only Sovereign Force; and that is so lodged in the People, that they cannot part with it, if they would, &c. Now he must have nothing else to do, that will read or answer such bantering Prate as this is. But when all that is done, there is one above that can curb the Raging Multitude, as easily as an angry Father doth a Child: And he may sooner prove himself an Ass, than prove, that Sovereign Power and Sovereign Force are all one, and that either of them are lodged in the Rabble: and yet I would sooner believe this boy-sterous brutish Rabble, capable of being wise, and acting by Consent to one common End (which is impossible), than believe they have Power to make a King, or give him Authority to do one Act of State, or take away the Life of the worst Miscreant on Earth.

The People may much better infer, That that they have a Right to pull down Princes, from your Principles, than from the Doctor's. For if the Devil and the People fer them up, why may they not pull him down again? One of your Brother-Scriblers has owned the Confequence in ex-

press Terms, and I believe you are of the same Mind.

He that has God's Authority, without any Legal Title, cannot be limited by Laws; for God's Authority cannot be limited by Men. Why not I have God's Authority to govern my Wife and Children, and yet no Man doubts but it may be, and is limited by Humane Laws. Pag. 32. God gives a Prince no more of bis Authority than is fit and necessary; and so be must part with none of it. Nor will he, if he is wise, nor suffer such Men as you, impunedly to abuse it. But I may pass my word (if I were a Prince), that I will act so and so, as by Laws, by Advice of Parliaments, &c. and yet reserve all the Authority God gave me. The Truth is, God has not given the same Authority to all Princes, as to the Extent of it; nor do they all need the same: The Jewish Kings were bounded by the Laws of Moses, the Kings

of Earlied by the Laws of England, by the lame Providence that made them Kings. Mankind has not the lame Power over Rational Creatures as they have over Brutes, nor over them, that they have over Plants and Stones . Whatever Fools and Wicked Men think, the Righteous God will one Day recison with Men for the abuse of Blades and Brute Brafts. So that this Authority of God is not a wild uncontroulable Power, to do Mischieh, but a gentle casic Paternal Authority, full of Love, of Clementy and good Nature, and fuch is the Regal Authority when it is in a wife and good Man's hand; and God would take care all Kings should be such if we did not by our fins force him to fend harther Instruments to bunish our Disobediences.

Your Zeal and Dutiful Affection to King William and Queen Mary, may be frue, for ought I know; but this Book will never be allowed for a Testimony of it. I do not know that in all my Life I ever read a worse or more injurious to all Princes in general, and to the English Hereditary Monarchy in particular. I suppose, they that set you on work, know what use to make of fuch Principles when time serves. And I will hope in due

time the Government will confider to what thefe things tond.

And in the mean time I will affure you there are very many in the Nation who are as Zealous for their Majesties, King William and Queen Maer, as you can possibly pretend to be; who from their Souls abhor the Lewdness of expoling the Authority of Princes, and the Majeffy God has given them, and every of them in their feveral Times and Kingdoms, to the form of Atheifts and wicked Men. But when all is done, I believe neither Men nor Devils shall be able to prevail against God's Ministers and Deputies in the World, if they be not wanting to themselves: Which that mey may not, and that God would preferve them out of the Hands of brutil and unreasonable Men, shall ever be the Prayer of.

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